

REMARKS

As of the February 8, 2008 *Office Action*, Claims 1, 3-13, and 15-39 are pending. The Applicant thanks Examiner Iwarere with appreciation for the careful consideration and examination. In response to the *Office Action*, the Applicant amends certain claims to clarify some currently claimed embodiments and certain claims as suggested by the Examiner.

The Applicant files this response solely to facilitate prosecution. As such, the Applicant reserves the right to pursue claims of broader or similar scope as originally filed herein, in a continuation application, or other application after allowance. The Applicant does not concede that the current rejections are correct and reserves the right to challenge such rejections later in prosecution or on appeal. Accordingly, any amendment, argument, or claim cancellation herein is not to be construed as abandonment or disclaimer of subject matter. Because certain of the Applicant's current amendments may include broadening amendments, the Applicant respectfully requests the Examiner to revisit any previously reviewed references cited herein to further ensure that the currently pending claims remain patentable over any previously reviewed references.

After entry of this *Response*, Claims 1, 3-13, and 15-39 are pending. More specifically, Claims 1, 7-10, 13, 19-21, and 24-25 are currently amended; Claims 2 and 14 are cancelled; Claims 3-6, 11-12, 15-18, and 22-23 are original claims, and Claims 26-39 are new claims. The Applicant respectfully asserts that the pending claims are in allowable condition, requests reconsideration of the claims, and believes the Application is allowable for at least the reasons discussed below.

I. All Pending Claims Are Patentable In Accordance With 35 U.S.C. §103(a)

Claims 1-25 were rejected under 35 U.S.C. §103(a) as being unpatentable over *DeVries* (“Tracking and Electronic Signaling System”, January 9, 2003; hereinafter “*DeVries*”) in view of *Friedman* (“Telecommunications Cost Management System”, June 27, 2002; hereinafter “*Friedman*”). The Applicant respectfully traverses these rejections and respectfully submits that the cited references do not support a *prima facie* case of obviousness.

As re-emphasized by the USPTO’s obviousness examination guidelines, a *prima facie* case of obviousness under 35 U.S.C. §103 must include specific factual findings based on evidence. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success that the claimed invention would result from the reference combination. Lastly, the references, when combined, must teach or suggest all the claimed features as a whole as expressly required by 35 U.S.C. §103. See also MPEP §2142 & §2143.

As the Supreme Court recently held, the above specific factual findings must be spelled out by Examiners and must be made explicit in a non-conclusory, well reasoned fashion to facilitate review and prosecution efforts. *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385, 1395-97 (U.S. 2007). Indeed, the USPTO’s obviousness examination guidelines, require that obviousness rejections cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.

A. *DeVries and Friedman Do Not Teach Each And Every Element of the Claimed Invention*

The *Office Action* initially rejected Claims 1-25 as being unpatentable over *DeVries* in view of *Friedman*. The Applicant respectfully disagrees and submits that all pending claims are in condition for allowance for at least the reason that *DeVries* and *Friedman*, taken alone or in combination, do not teach each and every element of the claimed invention.

i. Claims 1 and 13 are Distinguishable Over DeVries and Friedman

Claims 1 and 13 are generally directed towards a system and method comprising and providing a telecommunications inventory tracking unit, an inventory modification unit, a contract management unit, a bill processing unit, and a processing unit that reconciles telecommunications billing data, contract data, and inventory data. In particular, the telecommunications inventory tracking unit and the inventory modification unit are adapted to maintain inventory data for a plurality of telecommunications resources within an organization and update inventory data when telecommunications resources associated with a telecommunications user change. Further, the contract management unit maintains contract data for resource contracts; the billing processing unit maintains billing information from the telecommunications provider; and the processing unit reconciles the billing data, contract data, and inventory data.

The Examiner cites to *DeVries* as disclosing the inventory tracking unit of the present invention. The Applicant respectfully submits that *DeVries* does not disclose an inventory tracking unit as claimed. Rather, *DeVries* describes a tracking and electronic signaling system that manages the inventory levels of parts and products and tracks the shipment of parts and products to ensure they are delivered in a timely manner. *See DeVries Abstract*. Contrarily, the inventory tracking unit of the claimed invention is vastly different from that of *DeVries* and links

telecommunications resources to users within an organization and maintains data regarding these resources and billing data associated therewith. *DeVries* does not teach an inventory tracking unit that is capable of linking telecommunications resources to users and is limited to identifying when various parts need replenishing and/or maintaining. In order to clarify functionality of the inventory tracking unit of the claimed invention, the claims have been modified to specifically identify that the resources managed by the inventory tracking unit are telecommunications resources associated with telecommunications users within an organization.

The Examiner also cites to *DeVries* as having already taught the inventory modification unit of the present invention. The Applicant respectfully submits that *DeVries* does not teach an inventory modification unit as claimed. Rather, *DeVries* teaches a manufacturer's inventory is replenished and maintained so that parts are always available for shipment and timely delivery to customers. *DeVries* addresses a significantly different problem than that addressed by the claimed invention. For example, the claimed invention maintains data of telecommunications resources assigned to particular users within an organization and verifies that bills are consistent with inventory and contracted rates. Additionally, the claimed invention modifies the inventory data when a user joins or leaves the organization or the user's assigned resources are changed. It is not concerned with inventory levels and does not order additional resources when inventory is "low". *DeVries* does not teach an inventory system that replenishes and maintains inventory data for telecommunications resources associated with a telecommunications user. In order to clarify this distinction, the claims have been modified to fully specifically address the telecommunications utility.

The Examiner also cites to *DeVries* as teaching the contract management unit and the bill processing unit of the claimed invention. The Applicant respectfully submits that *DeVries* does

not teach these elements. Rather, *DeVries* teaches a “Customer Contracts Table” that contains the parameters for purchasing parts, such as the Supplier ID, part number, unit price, ship quantity, shipping method, etc. In *DeVries*, this data is used merely to identify the terms of future parts orders. *DeVries* does not use this data to reconcile past bills. In contrast, the contract management unit of the claimed invention maintains telecommunications contract data and reconciles telecommunications bills to assure that all bills correlate to resources assigned to users and are billed at the correct rates.

In addition to *DeVries*, the Examiner cites to *Friedman* in rejecting the pending claims. The Applicant respectfully submits that *Friedman* does not remedy the deficiencies of *DeVries*. Accordingly, Applicant respectfully submits that *DeVries* in view of *Friedman* does not render the pending claims unpatentable because the cited references, taken alone or in combination, do not teach each and every limitation in Claims 1 and 13 for at least the above reasons. Further, the applicant respectfully submits that Claims 3-12 and 15-39, as claims dependant upon Claims 1 and 13, are in condition for allowance for the reasons stated above and for the further elements contained therein.

B. The Combination Of DeVries and Friedman Does Not Yield The Claimed Invention

The *Office Action* attempts to combine *DeVries* and *Friedman* and asserts that this combination teaches every element of the claimed invention. The Applicant respectfully submits that the combination of *DeVries* and *Friedman* do not yield the claimed invention because *DeVries* and *Friedman* are not analogous art and there is no suggestion or motivation to enable one skilled in the art to modify *DeVries* in view of *Friedman*. Additionally, the references have significantly different applications.

There is no suggestion or motivation, either in the cited references or common knowledge, to enable one skilled in the art to modify *DeVries* in view of *Friedman*. Specifically, the *DeVries* application provides no support or motivation to include the telecommunications cost management system taught in *Friedman*. *DeVries* solely teaches a system for effectively managing a manufacturer's inventory, replenishing said inventory, and providing timely delivery to suppliers and customers. *DeVries* makes no mention of a system that maintains a database for telecommunications resources associated with telecommunications users within an organization nor does *DeVries* indicate a need for a billing reconciliation unit for telecommunications resources. Moreover, *Friedman* solely teaches a system for managing billing discrepancies associated with telecommunications use within an organization and makes no mention of an inventory unit that replenishes and tracks the delivery of parts. Thus, one skilled in the art would not naturally piece together *DeVries* and *Friedman* because the references are not analogous art.

Additionally, the Applicant respectfully submits that even if one attempted to combine *DeVries* and *Friedman*, the combination would not yield the claimed invention. If the tracking and electronic signaling system for just-in-time delivery of *DeVries* included the reconciling of telecommunications billing data and contract data taught in *Friedman*, the combination would be readily distinguishable from the claimed invention.

The Applicant respectfully submits that for the reasons stated above, Claims 1 and 13 are in condition for allowance and patentable over *DeVries* in view of *Friedman*. Further, Claims 3-12 and 15-39 are also believed to be in condition for allowance as being dependent upon Claims 1 and 13, and for the further elements claimed therein. Accordingly, the Applicant respectfully requests that the Examiner remove the present rejection and advance the pending claims to allowance.

II. Newly Added Claims 26-39 Are In Condition For Allowance

Claims 26-39 have been added as dependent claims to more particularly claim certain aspects of the present invention. The Applicant respectfully submits that Claims 26-39 are fully supported by the originally filed specification, do not introduce any new matter, and are in condition for allowance as being dependent on Claims 1 and 13 and for the further features claimed therein.

III. Fees And Express Petition For Extension of Time

This *Response* is filed within 5 months of the *Office Action*. Thus, Applicant petitions for a two month extension of time pursuant to 37 CFR §1.136(a)(1) via EFS-Web. Additionally, the Applicant has cancelled 2 claims and added 12 claims in the present *Response and Amendment*. Accordingly, the Applicant believes an extension of time fee of \$230.00 and an extra claims fee of \$350.00 are due. No other fees are believed due. Accordingly, the Commissioner is expressly authorized to charge \$580.00 and any additional fees that may be required, or credit any overpayment, to Deposit Account No. 20-1507.

IV. Conclusion

The foregoing is submitted as a full and complete response to the *Office Action* mailed February 8, 2008. It is respectfully submitted that Claims 1, 3-13, and 15-39 are in condition for allowance and that each point raised in the *Office Action* with regard to these claims has been fully addressed. Therefore, it is respectfully requested that the rejections be withdrawn and that the case be processed to issuance in accordance with Patent Office Business.

If the Examiner believes that there are any issues that can be resolved by a telephone conference, or that there are any informalities that can be corrected by an Examiner's amendment, please contact James Schutz at 404.885.3498.

Respectfully submitted,

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